



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

DEPT. OF TRANSPORTATION
DOCKETS

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DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2004-18015

filed June 3, 2004, as supplemented September 22, 2004 ¹

Application of Singapore Airlines Cargo PTE (Singapore Airlines Cargo) for a statement of authorization to permit Singapore Airlines Cargo to display the designator code of Kuwait Airways (KU) on Singapore Airlines Cargo all-cargo flights between New York, New York, and Kuwait City, Kuwait.

Approved under assigned authority (14 CFR § 385.13).

Date of Action: October 1, 2004

Director, Office of International Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR § 385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*

¹ On June 9, 2004, we received a separate but related request from Kuwait Airways in Docket OST-2004-18056. In a September 22 joint supplemental filing, submitted in both Dockets OST-2004-18015 and OST-2004-18056, Kuwait Airways and Singapore Airlines jointly stated that Kuwait Airways no longer required the authority requested in Docket OST-2004-18056. We will dismiss Kuwait Airways' request in that docket in a separate dismissal.

Docket OST-2004-18015

Application of Singapore Airlines Cargo PTE (Singapore Airlines Cargo) for a statement of authorization to permit Singapore Airlines Cargo to display the designator code of Kuwait Airways (KU) on Singapore Airlines Cargo all-cargo flights between New York, New York, and Kuwait City, Kuwait.

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The code-share operations authorized here are subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) Singapore Airlines Cargo PTE Limited and Kuwait Airways continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) Singapore Airlines Cargo PTE Limited and Kuwait Airways must promptly notify the Department if the code-share agreement providing for the code-share operations is no longer effective or the carriers decide to cease operating the approved code-share services. Such notice should be filed in Docket OST-2004-18015.²
- (c) Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in the computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the waybill) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the shipper; and that the cargo liability of the operating carrier be unaffected.
- (d) The authority granted here is specifically conditioned so that neither carrier shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

² We expect this notification to be received within 10 days of such non-effectiveness or of such decision.